

Appln No. 10/027,700

Amdt date April 28, 2004

Reply to Office action of February 19, 2004

REMARKS/ARGUMENTS

New claims 14 to 19 are presented for examination.

Applicant withdraws its traverse of the requirement for restriction.

Claims 9 to 13 stand rejected under 35 USC 102(e) as anticipated by Uemura et al patent 5,720,026. Claim 9 is independent and claims 10 to 13 depend thereon.

Independent claim 9 recites repeating the updating, temporary storing, comparing, and storing the differences **each time one of the files is updated** (emphasis added). Uemura et al do not disclose this limitation. In fact, one of ordinary skill in the art would interpret Uemura et al as backing up data at timed intervals, not each time one of the file is updated. (See col. 5, lines 61 to 63 and col. 6, line 4.) Although backup at regular time intervals is attributed to one prior art reference discussed in the Background of the Invention (col 2, line 13), no inference can be drawn therefrom as to the teachings of Uemura et al. Thus, claim 9 is not anticipated by Uemura et al.

In view of the foregoing, applicant requests reconsideration and withdrawal of the rejection and allowance of this application.

Respectfully submitted,

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